



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Adopt resolutions related to the San Joaquin Multi-species Habitat Conservation and Open Space as follows:

Consideration of the Environmental Impact Report as a Responsible Agency under 15096 of the CEQA Guidelines and adopt the Habitat Conservation Plan (HCP);

Approve the completion, signing and submittal of the Section 10 (a) (1)(B) incidental take permit application;

Adopt the Implementation Agreement with the acceptance of revisions outlined in the letter of clarification dated January 19, 2001 to the California Department of Fish & Game; and

Approve the proposed amendment to the San Joaquin Council of Governments Joint Powers Agreement.

MEETING DATE: February 21, 2001

PREPARED BY: Community Development Director

RECOMMENDED ACTION: Adopt the required actions related to the San Joaquin Multi-Species Habitat Conservation and Open Space Plan.

BACKGROUND INFORMATION: Over six years ago, the San Joaquin Council of Governments (COG) initiated the development of the San Joaquin County Multi-species Habitat Conversation and Open Space Plan (Plan). The project brought together many diverse groups with varying interests toward the protection of the environment and wildlife. Participants included representatives from business, building industry, environmentalists, farmers, and various levels of government. The objective was to develop a Plan that would be acceptable to all concerned.

The key purpose of the Plan is, therefore, to provide a strategy for balancing the need to conserve open space and the need to convert open space to non-open space uses while also protecting the region's agricultural economy; preserving landowner property rights; providing for the long-term management of plant, fish and wildlife species, especially those that are currently listed, or may be listed in the future, under the Federal Endangered Species Act (ESA) or the California Endangered Species Act (CESA); providing and maintaining multiple-use open spaces which contribute to the quality of life of the residents of San Joaquin County; and accommodating a growing population while minimizing costs to project proponents and society at large.

The Plan provides for the payment of a development fee for the conversion of open space to non-open space uses which affect plant, fish and wildlife species. Participation of individual developers or project proponents is voluntary, but in-lieu of paying the fee, the proponent would have to provide specific mitigation as required by both the State Fish and Game and Federal Fish and Wildlife Agencies. The Plan cost allocated to those undertaking new development projects would be a fee on a per-acre basis as follows:

APPROVED:  
H. Dixon Flynn -- City Manager

Category	Fee per Acre
Vernal Pool Conversion (Wetted Surface Area)	\$30,000
(Upland Grassland)	\$5,000
Agricultural Habitat lands and Non Vernal Pool Natural Lands Conversion	\$1,500
Multi-Purpose Open Space Conversion	\$750

Based on the habitat types found on lands around Lodi, we would be primarily affected by development associated with Multi-purpose Open Space Conversion. Some Agricultural Habitat lands do exist around our White Slough Water Pollution Control facility. Plan maps do not indicate any Vernal Pool areas near Lodi.

Approval Process

On December 7, 2000, the Board of Directors of the San Joaquin Council of Governments adopted the Plan, Implantation Agreement (IA), Environmental Impact Report/Environmental Impact Statement (EIR/EIS), and amendments to the Joint Powers Agreement. This adoption by the Board was the first step towards the Implementation of the Plan.

The next step towards Implementation is the adoption by the participating local governments. The Plan cannot be implemented until all participating local governments have considered the adopted Plan. Therefore, COG has forwarded the Plan documents to all participating local governments for adoption. As of the date of this report, the cities of Lathrop, Manteca, Escalon and Tracy have approved the Plan. The cities of Ripon and Stockton are scheduled to consider adoption at their meeting on February 20th and the County is scheduled for the 27th.

Staff from GOG will attend the Council meeting to present an overview of the Plan and respond to any questions that may arise. The adoption of the Plan will require the consideration of the Environmental Impact Report, The Implementation Agreement, Amendment to the GOG Joint Powers Agreement and the approval of the completion, signing and submittal of the Section 10(a)(1)(B) incidental take permit.

Environmental Impact Report

An Environmental Impact Report State document/Environmental Impact Statement federal document (EIR/EIS) was prepared for the Plan, in accordance to the California Environmental Quality Act (CEQA) Guidelines and the national Environmental Policy Act. The EIR/EIS was posted for a 90-day review and comment period, which closed on January 7, 2000.

In accordance with Section 15091 and Section 15098 of the CEQA Guidelines, and Section 21081 of the Public Resources Code, the City Council will need to consider the environmental effects of the Plan as shown in the EIR/EIS prior to reaching a decision on the project. After consideration, the City Council will need to adopt the findings set forth in the attached Resolution.

A copy of the EIR/EIS and the IA were previously provided to Council.

Implementation Agreement

The Implementation Agreement (IA) will need to be adopted by all Plan Participants for the purpose of allowing for separate implementation of mitigation measures specified in the Plan. The IA acts as a binding contract and carries out the objectives of the Plan. The IA is attached to the HCP as Appendix. A clarification letter is attached as Exhibit "A" and is included by reference in this approval.

Incidental Take Permit Applications

Each Plan Participant will be required to submit a separate Federal Endangered Species Act Section 10(a)(1)(B) Incidental Take Permit Application. The purpose for retaining separate applications is to allow flexibility if a Plan Participant should opt to terminate Plan participation. The U.S. Fish and Wildlife Service would then revoke the application of the non-participant and the JPA would confer and meet with the Permitting Agencies for consultation.

JPA Amendment

Attached is a proposed revised Joint Powers Agreement (JPA) amended to accomplish a number of objectives (see draft Resolution) The most important objective allows COG to assume responsibilities under the Plan. The existing JPA does not specifically allow COG to operate programs. The other changes are more editorial in nature, deleting "County" from the agency name, capitalizing sections, etc.

All the documents related to this action are on file with the Community Development Director.

FUNDING: None required

A handwritten signature in black ink, appearing to read 'KB', with a large, sweeping horizontal stroke extending to the right.

Konradt Bartlam
Community Development Director

KB/lw

Attachments

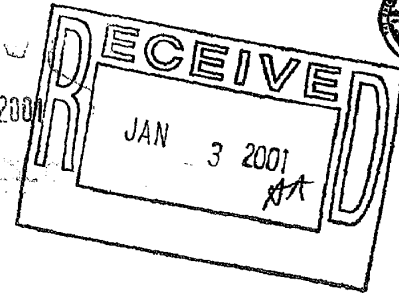


DEPARTMENT OF FISH AND GAME

1416 Ninth Street
Sacramento, CA 95814
(916) 654-3821

JAN 04 2001

December 29, 2000



VIA FACSIMILE AND FIRST CLASS MAIL

Adam H. Relin, Esq.
Nossaman, Guthner, Knox & Elliott, L.L.P.
18101 Von Karman Av., Suite 1800
Irvine, CA 92612

Re: San Joaquin County Multi-Species Conservation Plan Implementation Agreement

Dear Mr. Relin:

This letter is to provide you with comments on the November 9, 2000 version of the San Joaquin County Multi-Species Conservation Plan Implementation Agreement ("IA").

- | | |
|---------------------------|--|
| Page 3, Section 1.13 | Last sentence defining "Department" should be listed as a separate section. |
| Page 13, Section 3.2.2(b) | "... In order to amend or suspend Incidental Take Avoidance Minimization measures for a particular project, the JPA shall make findings as set forth in Chapter ____ [5.2.3.2] of the HCP and shall submit a written request to the Wildlife Agencies for concurrence. ..." |
| Page 36, Section 6.1.2(b) | "... If the remaining participation scenario matches one of the participation scenarios set forth in Table 7.5.1 of the HCP, development fees in for the remaining Plan Participants' development fee ordinance..." |
| Page 52, Section 9.4 | "Consistent with the No Surprises Rule, the Wildlife Agencies Service shall not require the commitment of additional land or financial compensation or other mitigation from a Third Party pursuant to the HCP and this Agreement, beyond those measures imposed on the Third Party by the Local Government in accordance with the HCP and this Agreement, unless agreed to by the Third party. ..." |
| Page 52, Section 9.5 | "As described in Section ____ [11.4], if critical habitat is designated for any Covered Species, subsequent to Project Approval, the Service will not require Third Parties will not be required to commit |

additional land or other compensation beyond that already required in a Project Approval."

Page 64, Section 12.1(a) "Concurrent with the execution of this Agreement the Department has issued a Section 2081(b) Permit to each Plan Participant authorizing the Take of each Covered Species incidental to Permitted Activities, except as provided in Section [12.5] regarding Fully Protected Species, subject to and in accordance with the HCP and this Agreement."

Page 66, Section 12.3 "If it is determined in a court of law or by a binding administrative opinion (such as a formal opinion of the California Attorney General) that the Department is not authorized to cause the Section 2081(b) Permits to become effective..."

Page 66, Section 12.4(a) "Except as provided in Section [12.5] of this agreement regarding Fully Protected Species, for so long as Plan Participants implement and adhere to this Agreement, the HCP and the Section 2081(b) Permits, the Department shall not amend, revise, suspend or revoke the Section 2081(b) Permits, nor otherwise impose or seek to impose on Plan Participants..."

Page 68, Section 12.5.1 "The Department finds that the permitted Activities will not result in Take (as defined in the California Fish and Game Code) of Covered Species in violation of Fish and Game Code sections 3511, 4800, 5050, or 5515. Although five Fully Protected Species, the Greater Sandhill Crane, the California Black Rail, the Golden Eagle, the Ringtail/Ringtail Cat and the White-Tailed Kite, are included as Covered Species, take of these species is not authorized in the Section 2081(b) Permit and is prohibited by Fish and Game Code sections 3511, 4700, 5050, and 5515. The Department acknowledges and agrees that if the measures set forth in the HCP are fully complied with, the Permitted Activities are not likely to result in take (as defined in the California Fish and Game Code) of these species. If the Department discovers that such measures are not adequate to prevent Take of one of the fully protected species, the Department shall notify the permittee in writing of such discovery and propose new, additional or different conservation measures that it believes are necessary to avoid Take of these species. The permittee shall implement such measures proposed by the Department or such other measures agreed to by the Parties as adequate to avoid Take of fully protected species."

Page 68, Section 12.5.2 "If at any time there is a change in state law such that the

Adam Relin, Esq.
December 29, 2000
Page 3

Department may issue a Section 2081(b) Permit or other permit allowing the Incidental Take of any species subject to California Fish and Game Code sections 3511, 4800, 5050, or 5515, the Department may, at its own discretion, conduct a survey of the Permit Area to determine whether any such species exists thereon. Thereafter, if appropriate, the Department shall amend the Section 2081(b) Permits, or issue a new permit for such species under the same terms and conditions as the Section 2081(b) Permits, to permit the Take of such species; the permittee may apply for an amendment of the Section 2081(b) Permit or a new permit for such species. In processing any such application for a permit amendment or new permit, the Department shall give due consideration to Take avoidance and mitigation measures already provided in the HCP and shall issue the amendment or permit under the same terms and conditions as the existing Section 2081(b) Permit, to the extent permitted by law.

Page 69, Section 13.2

Subject to Section ____ [14.4], this Agreement shall run for a term of fifty (50) years from the Effective Date, unless terminated in accordance with Section ____ [14] or unless extended by agreement of all of the Parties hereto.

We appreciate the opportunity to provide comments on the Implementation Agreement. Should you have any questions, please contact me at (916) 445-9673.

Sincerely,



ANGELA SCOTT
Staff Counsel

cc: Amy Augustine, Augustine Land Use Planning
Jim Monroe, Esq., Office of the Solicitor, Department of the Interior
Vicki Campbell, United States Fish & Wildlife Service
Jim Browning, United States Fish & Wildlife Service
Cay Goude, United States Fish & Wildlife Service
Steve Adams, Esq., Department of Fish & Game
Dan Gifford, Department of Fish & Game

RESOLUTION NO. 2001-48

A RESOLUTION OF THE LODI CITY COUNCIL
ADOPTING THE SAN JOAQUIN COUNTY MULTI-
SPECIES HABITAT CONSERVATION AND
OPEN SPACE PLAN AND THE ASSOCIATED
ENVIRONMENTAL IMPACT REPORT

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WHEREAS, in accordance with Section 21069 of the Public Resources Code and Section 15381 of the California Environmental Quality Act Guidelines, and, the City of Lodi, is a Responsible Agency, with respect to the Final Environmental Impact Report (EIR) for the San Joaquin County Multi-Species Habitat Conservation and Open Air Space Plan (SJMSCP); and

WHEREAS, the Final EIR was prepared in compliance with the California Environmental Quality Act (CEQA) and State and County Guidelines for the implementation of CEQA by the San Joaquin Council of Governments as Lead Agency; and

WHEREAS, the Final EIR was presented to the City of Lodi City Council, which has reviewed and considered the final EIR prior to approving the proposed project.

NOW THEREFORE, as set forth in CEQA Guidelines Section 15091, the City Council of the City of Lodi finds and resolves that:

1. The Final EIR reflects the independent judgement and analysis of City of Lodi.
2. The Final EIR identifies no significant environmental impacts to the environment that may result from the implementation of the Proposed Project for the SJMSCP because changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
3. The City of Lodi has considered the proposed project alternative and finds that the SJMSCP (Proposed Project) alternative will provide the greatest number of benefits with no significant impacts on the environment for the reasons summarized in Table 2-1 of the Final EIR.
4. Pursuant to Public Resources Code Section 21081.6(a), a reporting and monitoring plan has been prepared, as incorporated into Section 5.9 of the SJMSCP, in order to avoid significant effects on the environment. The SJMSCP Joint Powers Authority is responsible for the implementation of the reporting and monitoring program.
5. Pursuant to Public Resources Code Section 21081.6(a), the custodian and location of the documents and materials which constitute the administrative record upon which this decision to consider the EIR has been made is the City of Lodi, City Clerks Office, 221 W. Pine Street, Lodi, CA 95240.

6. After consideration of the Environmental Impact Report prepared for the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan by the Lead Agency, the City of Lodi, as a Responsible Agency under California Environmental Quality Act Guidelines Section 15096, and based on the above stated findings, the City of Lodi hereby adopts the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan.

Dated: February 21, 2001

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I hereby certify that Resolution No. 2001-48 was passed and adopted by the Lodi City Council in a regular meeting held February 21, 2001 by the following vote:

AYES: COUNCIL MEMBERS – Hitchcock, Howard, Land, Pennino and
Mayor Nakanishi

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None


SUSAN J. BLACKSTON
City Clerk

RESOLUTION NO. 2001-49

A RESOLUTION OF THE LODI CITY COUNCIL
APPROVING THE COMPLETION, SIGNING, AND
SUBMITTAL OF A SECTION 10(A)(1)(B) INCIDENTAL
TAKE PERMIT APPLICATION TO THE U.S. FISH &
WILDLIFE SERVICE

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WHEREAS, the City of Lodi has adopted the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan; and

WHEREAS, each Plan Participant will be required to submit a separate Federal Endangered Species Action Section 10(a)(1)(B) Incidental Take Permit Application; and

WHEREAS, the purpose for retaining separate applications is to allow flexibility if a Plan participant should opt to terminate SJMSCP participation; and

WHEREAS, the U.S. Fish and Wildlife Service would then revoke the application of the non-participant and the JPA would confer and meet with the Permitting Agencies for consultation.

NOW THEREFORE, BE IT RESOLVED, that the City of Lodi does hereby approve the completion, signing, and submittal of a Section 10(a)(1)(B) Incidental Take Permit Application to the U.S. Fish and Wildlife Service.

Dated: February 21, 2001

=====

I hereby certify that Resolution No. 2001-49 was passed and adopted by the Lodi City Council in a regular meeting held February 21, 2001 by the following vote:

AYES: COUNCIL MEMBERS – Hitchcock, Howard, Land, Pennino and Mayor Nakanishi

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None


SUSAN J. BLACKSTON
City Clerk

RESOLUTION NO. 2001-50

A RESOLUTION OF THE LODI CITY COUNCIL APPROVING AN
IMPLEMENTATION AGREEMENT, WITH THE ACCEPTANCE OF
REVISIONS OUTLINED ON THE LETTER OF CLARIFICATION DATED
JANUARY 19, 2001 TO THE CALIFORNIA DEPARTMENT OF FISH AND
GAME, REGARDING THE SAN JOAQUIN COUNTY MULTI-SPECIES
HABITAT CONSERVATION AND OPEN SPACE PLAN

=====

WHEREAS, the City of Lodi had adopted the San Joaquin County Multi-Species
Habitat Conservation and Open Space Plan; and

WHEREAS, an Implementation Agreement needs to be adopted by all Plan
participants for the purpose of allowing separate implementation of mitigation measures
specified in the Plan.

NOW THEREFORE, BE IT RESOLVED, that the City of Lodi does hereby
approve the Implementation Agreement, attached hereto as Exhibit A.

Dated: February 21, 2001

=====

I hereby certify that Resolution No. 2001-50 was passed and adopted by the Lodi
City Council in a regular meeting held February 21, 2001 by the following vote:

AYES: COUNCIL MEMBERS – Hitchcock, Howard, Land, Pennino and
Mayor Nakanishi

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None


SUSAN J. BLACKSTON
City Clerk

Attachment 1

The following paragraphs describe the effects of changes to the Implementation Agreement proposed in the Department's comment letter dated December 29, 2000.

- (1) Page 3, Section 1.13: Moves a sentence to a new section. Non-substantive editing change.
- (2) Page 13, Section 3.2.2(b): Fixes a typographical error so that the text shows the proper defined term.
- (3) Page 36, Section 6.1.2(b): Fixes a typographical error.
- (4) Page 52, Section 9.4: Removes the defined term "Wildlife Agencies" so that the section refers only the Service rather than both the Service and the Department. Since the sentence refers to the "No Surprises Rule" a defined term that applies only to the Service, it would not apply to the Department even with the existing text. This change fixes an editing error, but is not substantive.
- (5) Page 52, Section 9.5: Revises the sentence so that it refers only the Service rather than both the Service and the Department. Since the sentence involves the effect of a "critical habitat" designation – an action which relates only to the Service – it would not apply to the Department even with the existing text. This change fixes an editing error, but is not substantive.
- (6) Page 64, Section 12.1(a): Adds a cross reference to another IA section . Clarifies the section, but does not add any substantive change.
- (7) Page 66, Section 12.3: Removes an example, but does not change the meaning of the section.
- (8) Page 66, Section 12.4(a): Adds a cross reference to another IA section . Clarifies the section, but does not add any substantive change.
- (9) Page 68, Section 12.5.1: The Department has recently revised the language it uses to describe the relationship between incidental take permits and certain provisions of the Fish and Game Code governing "fully protected species." This change substitutes the new language into the IA. The existing text simply concludes that the HCP will not result in violation of the fully protected species provisions. The new language also concludes that violation is not likely, but it is more detailed, lists the species involved, and describes a process to be followed in the event there is some take of a fully protected species. Although the new text takes a different approach, it is not a substantive change, since the underlying law (the fully protected species provisions of the Fish and Game Code) has not changed and continues to prohibit any take of fully protected species.

(10) Page 68, Section 12.5.2: This section proposes a process for permit amendment in the event the fully protected species code sections are revised to allow permits for such species. The new text indicates that the permittees must apply for such new permits, while the existing text leaves new permits entirely to the Department. This is not a substantive change, since in neither case is the Department required to issue a permit.

(11) Page 69, Section 13.2: Adds a cross reference to another IA section . Clarifies the section, but does not add any substantive change.

RESOLUTION NO. 2001-51

A RESOLUTION OF THE LODI CITY COUNCIL
APPROVING AMENDMENTS TO THE
SAN JOAQUIN COUNCIL OF GOVERNMENTS
JOINT POWERS AGREEMENT

=====

WHEREAS, the member agencies of the San Joaquin County Council of Governments adopted an amended Joint Powers Agreement as of March 1, 1991; and

WHEREAS, the City of Lodi is a member agency of the San Joaquin Council of Governments; and

WHEREAS, the Joint Powers Agreement requires further amendment in order to effect various editorial and material changes in the agreement, including allowing SJCOG to assume responsibilities under the SJMSCP.

NOW THEREFORE, BE IT RESOLVED, that the City of Lodi does hereby approve the amendments to the Joint Powers Agreement as attached hereto as Exhibit A.

Dated: February 21, 2001

=====

I hereby certify that Resolution No. 2001-51 was passed and adopted by the Lodi City Council in a regular meeting held February 21, 2001 by the following vote:

AYES: COUNCIL MEMBERS – Hitchcock, Howard, Land, Pennino and Mayor Nakanishi

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None


SUSAN J. BLACKSTON
City Clerk

"EXHIBIT A"

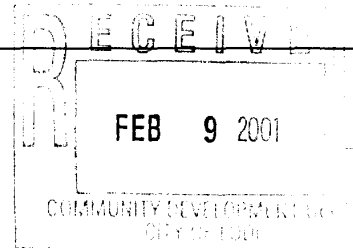


SAN JOAQUIN COUNCIL OF GOVERNMENTS

6 South El Dorado St., Suite 400 • Stockton, California 95202

209.468.3913 • 209.468.1084 (fax)

www.sjcog.org



Dan Billrey
CHAIRMAN

Mike Restuccia
VICE CHAIRMAN

Julia E. Greene
EXECUTIVE DIRECTOR

Member Agencies
CITIES OF
ESCALON,
LATHROP,
LODI,
MANTECA,
RIPON,
STOCKTON,
TRACY,
AND
THE COUNTY OF
SAN JOAQUIN

Memorandum

TO: Dixon Flynn, Lodi City Manager
Rad Bartlam, Lodi Community Development Director
John Carlson, Stockton Community Development Director
Mike Niblock, Stockton Senior Planner
Everett L. Compton, Ripon City Administrator
Ernest Tyhurst, Ripon Planning & Building Director
David Baker, County Administrator
Ben Hulse, County Community Development Director

FROM: Julia E. Greene, Executive Director

RE: Implementing Agreement for Habitat Plan

DATE: February 7, 2001

On December 29, 2000, the California Department of Fish and Game (DFG) provided San Joaquin Council of Governments (SJCOC) comments in regards to the Implementation Agreement (IA) for the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (see attached letter dated December 29, 2000). The comments requested revisions that are solely technical clarifications, which do not alter the substance of the IA.

On February 5, 2001, DFG agreed that the current version of the IA (December 7, 2000 version) may be adopted by the participating local jurisdictions with the condition that DFG's comments that are addressed in a Letter of Clarification prepared by SJCOC (see letter dated January 19, 2001) is accepted as part of IA adoption by the participating local jurisdictions. Therefore, please include DFG's letter and the Letter of Clarification to your staff report. In addition, the recommendation in regards to adopting the Implementation Agreement should be similar to the following:

"Adopt the Implementation Agreement with the acceptance of revisions outlined in the Letter of Clarification dated January 19, 2001 to the California Department of Fish and Game"

If you have any questions, please call Jerry Park on my staff at (209) 468-3913.

Thank You



SAN JOAQUIN COUNCIL OF GOVERNMENTS

6 South El Dorado St., Suite 400 • Stockton, California 95202

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ESCALON,
LATHROP,
LODI,
MANTECA,
RIPON,
STOCKTON,
TRACY,
AND
THE COUNTY OF
SAN JOAQUIN

January 19, 2001

Ms. Angela Scott, Esquire
CA Department of Fish and Game
1416 Ninth Street
Sacramento CA 95814

Dear Ms. Scott:

In response to your letter of December 29, 2000, regarding the San Joaquin County Multi-Species Conservation Plan Implementation Agreement (IA). We recognize the value of your comments and believe that we can accomplish your goals of a better IA with a clarifying letter.

As the lead agency developing the HCP, the San Joaquin Council of Governments (COG) has been consistently patient with the process and responsive to the concerns of the state and federal resource agencies, including the Department of Fish and Game (DFG). As a result, all of DFG's substantive issues have long since been resolved. The IA revisions proposed by your comments are not substantive changes to the program established by the HCP, but technical revisions which clarify DFG's role in the HCP and the difference in assurances provided by DFG and the U. S. Fish and Wildlife Services. We view all of your comments as non-substantive changes to the IA, or simply fixing editing errors. (Discussion of each of the DFG clarifications is provided in Attachment 1 to this letter.) We accept the DFG clarifications, and agree that they reflect the understanding of the parties to the IA.

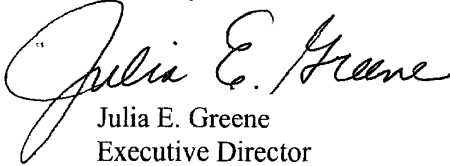
However, it is simply too late in the process to revise the text of the IA at this time. COG adopted the HCP and approved execution of the IA on December 7, 2000. This schedule was developed with sign off from DFG and legal review by Chris Beale. Your staff actively participated with us as we finalized these documents. The other local participants in the HCP have already begun to consider adoption, one city, Lathrop, adopted unanimously, with the rest scheduled over the next few weeks. These adoption actions are the last, long-delayed, actions in a process which has extended for seven (7) years this month. Neither COG's membership, nor the other HCP participants, are willing to delay the process again in order to make technical changes in the IA, reprint and distribute the revised document, and renote and reschedule the adoption

meetings.

It is also important to point out that a delay now would cause us to miss a very important window of opportunity to seek federal funding for the HCP implementation in 2001. We are anxious to begin this valuable process for the environment and our community.

In order to address your concern that the DFG clarifications should be accepted by all the parties to the IA, we propose the following: (1) by this letter, COG accepts the DFG clarifications; (2) the DFG clarifications will be presented to the decisionmakers of each IA signatory during their formal approval process (revisiting the cities that have already adopted), and your letter of December 29, 2000 will be attached to the IA at the time of approval by each signatory; and (3) the DFG clarifications will be amended into the text of the IA at the same time as the first set of amendments otherwise required.

Sincerely,

A handwritten signature in black ink, reading "Julia E. Greene". The signature is fluid and cursive, with the first name "Julia" being the most prominent part.

Julia E. Greene
Executive Director

CC: Banky Curtis
James Monroe, General Counsel, Department of the Interior
Cay Goude
Vicki Campbell
Phil Pennino
Amy Augustine
SJCOG Board of Directors
Mayors of San Joaquin County
Chair, SJ County Board of Supervisors

PLANNING for a VIBRANT FUTURE

The San Joaquin County Multi-Species
Habitat Conservation and Open Space Plan

San Joaquin
Council of Governments



Purpose of the Habitat Plan

To provide balance between the need to accommodate development and the need to protect listed and endangered species.

The Plan will:

- Accommodate a Growing Population
- Facilitate Development Process
- Protect San Joaquin Agricultural Economy
- Preserve Landowner Property Rights
- Increase the Survivability of Endangered/Threatened Species in SJC



Key Players in Plan Development

Phil Pennino

Tonie Marie Ramus

Robert Cabral

Martha Shaver

Amy Augustine

Steve Stocking

Ron Addington

Doug Unruh

Waldo Holt

USFWS Staff

Brad Lange

Fish & Game Staff

Bruce Mettler

SJCOG Staff

Activities Covered by the Plan

- Urban Development
- Expansion of Existing Urban Boundaries
- Non-Agricultural Activities Occurring Outside of Urban Boundaries
- Levee Maintenance
- Transportation Projects
- School Expansions
- Flood Control Projects
- Utility Installation
- Maintenance Activities



Participation in the Plan

- Only Local Governments and Agencies Who Adopt the Plan will be Covered
- The Plan is Voluntary to Developers and Project Proponents
- Project Proponents Have the Option to Mitigate Under the Plan or Negotiate with Permitting Agencies Directly



Agencies Proposing to Adopt the Plan

San Joaquin COG

City of Escalon

City of Stockton

San Joaquin County

City of Lathrop

Caltrans

City of Tracy

SJ Area Flood Control Agency

City of Lodi

EBMUD

City of Ripon

South S.J. Irrigation Dist.

City of Manteca

Stockton East Water Dist.



Adopted the Plan (All by Unanimous Vote)

San Joaquin County Multi-Species Habitat Conservation and Open Space Plan



Overall Benefits of Plan

- Provides One Stop Permit Process
- Savings of Staff Time at Local, State and Federal agencies
- Economic Development Benefits
- Achieves Goals of Preserving Habitat
- Habitat Preserves for Multiple Uses
- Protects Private Property Rights
- Neighboring Land Protections
- Voluntary Plan
- Saves Money



Plan Benefits for Lodi

- Pre-Defined Mitigation Measures
- CEQA Coverage for 97 Species
- Incidental Take of 25 Federal and State Endangered/Threatened Species
- Expedite Projects within City of Lodi



Cost Benefit Analysis

	Annual Cost Savings	50-Year Cost Savings
Residents, Taxpayers of San Joaquin County	\$248,150	\$12,407,500
Local Governments	\$222,300	\$11,115,000
Permitting Agencies	\$278,550	\$13,927,500
Project Proponents	\$5,790,000	\$289,500,000
Legal: Conservation, Project Proponents and Government Agency interests	\$81,000	\$4,050,000
TOTAL COST SAVINGS UNDER THE PLAN	\$6,371,850	\$318,592,500

San Joaquin County Multi-Species Habitat Conservation and Open Space Plan

HCP Cost Estimates

	<u>Cost Per Acre</u>	<u>Total Cost</u>	<u>% of Total</u>
Acquisition	\$1,690	\$169,800,000	65%
Enhancement	\$ 400	\$ 39,800,000	15%
Land Mgt.	\$ 430	\$ 43,400,000	16%
Administration	\$ 100	\$ 10,000,000	4%

Source: Economic Analysis for the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan, April 7, 1997. Haurath Economics Group.



Process for Determining a Fair Distribution of Costs

- Hausrath Report on Costs (1997)
- Standing Committee
 - ◆ Building Industry
 - ◆ Environmental Community
 - ◆ Public Sector
 - ◆ Business Community
- Comparison With Other HCPs
- New Development v. Historical Loss
- Restoration/Enhancement





Anticipated Funding Sources

67% from Development Fees (\$750 - \$30,000)

- Vernal Pool (\$30,000/ac.)
- Natural and Agricultural Lands (\$1,500/ac.)
- Multi-Purpose Open Space (\$750/ac.)

33% from Other Funding Sources

- State & Federal Fund Sources
- Non-Profit Organizations/Foundations
- Conservation Banking (vernal pool banks)
- Lease Revenue
- Revolving Funds/Resales
- Investments



SJMSCP Impact Fees to Other Fees in Other Habitat Conservation Plans

	<u>FEE</u>	<u>FEES/TOTAL COST</u>
San Joaquin	\$1,500 \$ 750	67%
Metro Bakersfield	\$1,250	100%
North Natomas	\$2,240	50%
Yolo County	\$2,630	100%



Funding Assurances of the Plan

- Monitoring to assess adequacy of Plan funding
- Annual adjustments to fees
- Adjusting fees depending upon Plan participation
- Performance benchmarks established on a one year and three year basis
- (one year – Fall below 30% in preserve acquisition, triggers corrections).
- (three year – Fall below 15% for period of three consecutive years triggers corrections).
- Process for correcting funding shortfalls identified. Corrections can include changes in management practices, adjustments to the plan, increases in fees, and even revocation of permit.



Plan Implementing Entity

San Joaquin Council of Governments, Inc.

- **1 City Mayor\Council Member from each City, except that the City of Stockton shall have 2 members**
- **2 Supervisors from the County**

Technical Advisory Committee

- **Representatives from permitting agencies and local agricultural community such as SJC Agricultural Commissioner and U.C. Cooperative Extension Farm Advisor**
- **Provides biological, technical and operation support to SJCOG, Inc.**



Plan Schedule

Jan 2001: Environmental Impact Statement Cooling-off period ends

Jan.-Feb. 2001: Adoption by Cities and County

January - Lathrop

February - Manteca, Escalon, Tracy, Ripon,
Lodi, Stockton, and County

March 2001: Record of Decision is made.

Issuance of Section 10(a)(1)(B) Permits from USFWS

San Joaquin County Multi-Species Habitat Conservation and Open Space Plan



SJMSCP Conclusion

- 50-year plan (2001-2051)
- Plan is Voluntary
- Streamlines Development Process
- Preserves Landowner Property Rights
- Savings to Taxpayers
- Money Stays Local to Protect Habitat



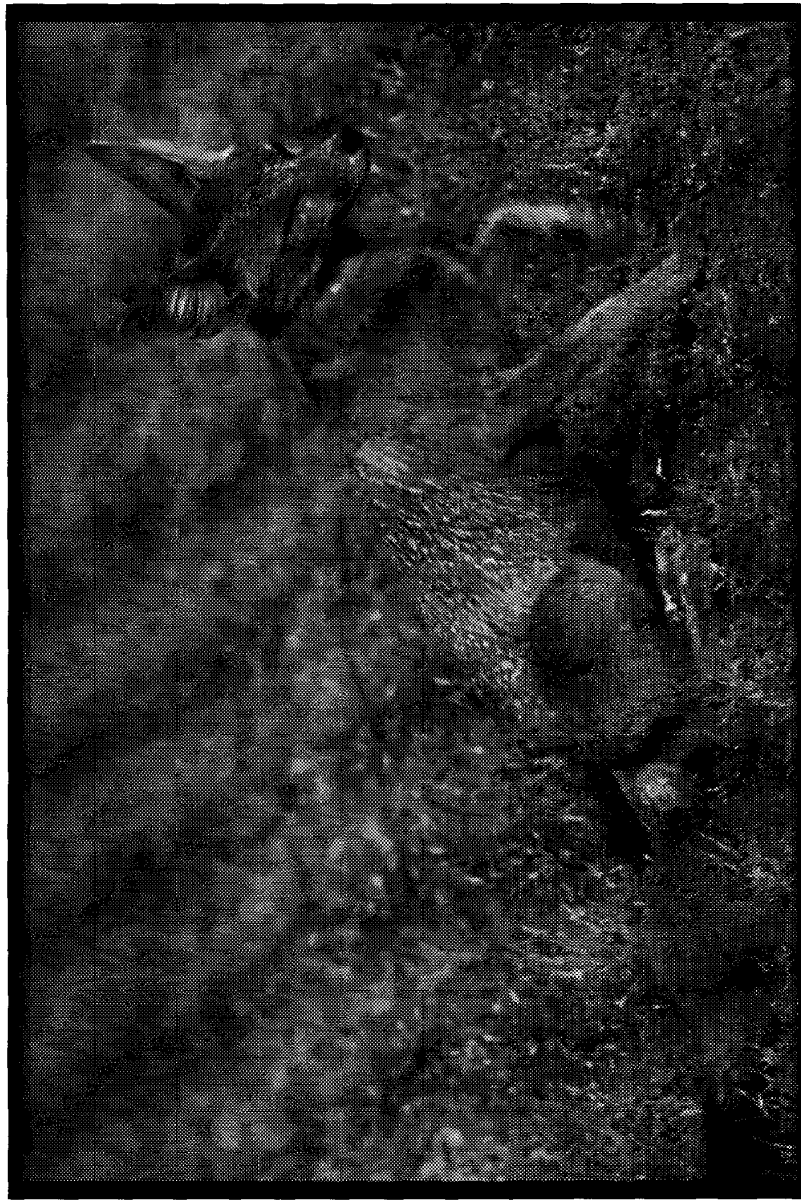
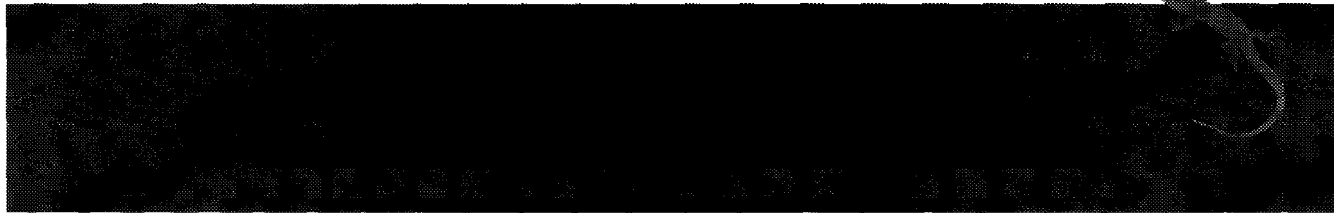


Photo by Dr. Lloyd Glenn Ingles © 1999 California Academy of Sciences

San Joaquin County Multi-Species Habitat Conservation and Open Space Plan





THE LEAGUE OF WOMEN VOTERS of San Joaquin County

P.O. BOX 4548
STOCKTON, CALIFORNIA 95204
(209) 465-0293

February 21, 2001

Mayor and City Council
City of Lodi

RE: Habitat Plan for San Joaquin County

The League of Women Voters of San Joaquin County has followed the development of the Habitat Plan for San Joaquin County since 1997. We urge the City of Lodi to endorse the plan.

The League of Women Voters bases our support for issues on a 75-year history of membership study and consensus. The position we take today in support of the San Joaquin County Habitat Plan is based upon a foundation of national, state and local League studies.

The plan represents years of community input and consensus building to arrive at an equitable balance between preservation of agricultural land, protection of life-supporting ecosystems, and the recognition of land as a resource that is part of our heritage. The Habitat Plan is consistent with current general plans of the County and the seven cities in San Joaquin County. Lathrop, Manteca, Escalon, Tracy, Stockton and Ripon have shown tremendous enthusiasm and expressed congratulatory comments as they voted in favor of the Plan. We anticipate that Lodi will do likewise.

We in San Joaquin County have the unique opportunity to create a long-range conservation legacy and protect our heritage for future generations. As the State population has grown, the escalated erosion of open space and decline in critical habitat for plants and animals has become an alarming trend.

We have arrived at a fair balance in:

- **preservation of agricultural land,
- **protection of life-supporting ecosystems, and
- **recognition of wildlife and open space as resources that is part of our heritage.

Please give it your unanimous support.

Sylvia Kothe, President

Sylvia Kothe

League of Women Voters of San Joaquin County
lwsjc@aol.com
(209) 465-0293

WHERE WE STAND



THE LEAGUE
OF WOMEN VOTERS



SAN JOAQUIN COUNCIL OF GOVERNMENTS

6 South El Dorado St., Suite 400 • Stockton, California 95202

209.468.3913 • 209.468.1084 (fax)

www.sjcog.org

MAR 15 2001
City Manager's Office

Susan Blackstone

Dan Bilbrey
CHAIRMAN

Mike Restuccia
VICE CHAIRMAN

Julia E. Greene
EXECUTIVE DIRECTOR

Member Agencies
CITIES OF
ESCALON,
LATHROP,
LODI,
MANTECA,
RIPON,
STOCKTON,
TRACY,
AND
THE COUNTY OF
SAN JOAQUIN

Memorandum

DATE: March 12, 2001

TO: Thom Clark, Escalon City Manager
Pam Carder, Lathrop City Manager
Dixon Flynn, Lodi City Manager
Robert F.D. Adams, Manteca City Manager
Everett Compton, Ripon City Administrator
Gary Ingraham, Stockton Assistant City Manager
Fred Diaz, Tracy City Manager
David Baker, County Administrator

FROM: Julia E. Greene, Executive Director *JE*

SUBJECT: Correction to Resolution for Legislative Support on Neighboring Land Protection Program Extension in Perpetuity

The memorandum sent by Dan Bilbrey dated March 9, 2001 stated that the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan was adopted in entirety by all participating local governments with unanimous votes on January 27, 2001. The correct date is February 27, 2001. Therefore, please replace the original resolution sent with the attached resolution that addresses the correct adoption date.

If you have any questions, please give Jerry Park on my staff a call at 468-3913.

cc: Mayors & Board Chairman
Community Development Directors

cc: Pennino
Hitchcock

Resolution # _____

RESOLUTION RECOGNIZING THE ADOPTION OF THE SAN JOAQUIN COUNTY MULTI-SPECIES HABITAT CONSERVATION AND OPEN SPACE PLAN BY THE LOCAL GOVERNMENT PARTICIPANTS AND TO EXTEND THE NEIGHBORING LAND PROTECTION PROGRAM IN PERPETUITY

WHEREAS, on February 27, 2001, the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) has been collectively adopted by all local government participants, which consists of Cities of Stockton, Lathrop, Tracy, Escalon, Manteca, Ripon, and Lodi, and San Joaquin County; and

WHEREAS, the SJMSCP establishes preserve lands which will be maintained in perpetuity for the ninety-seven (97) species covered by the SJMSCP; and

WHEREAS, property owners located near or adjacent to Preserves lands can participate in the Neighboring Land Protection Program established in the SJMSCP; and

WHEREAS, the Neighboring Land Protection Program will expire in fifty (50) years from the effective date of the SJMSCP.

NOW THEREFORE, BE IT RESOLVED that the City of _____ (County) hereby recognizes the adoption of the SJMSCP by all local government participants; and

FURTHER, BE IT RESOLVED, that the City of _____ (County) do hereby recognize the need to extend the Neighboring Land Protection Program in perpetuity; and

FURTHER, BE IT RESOLVED, that the City of _____ (County) do hereby agree to participate jointly with the San Joaquin Council of Governments to actively pursue legislatively the extension of the Neighboring Land Protection Program in perpetuity.

PASSED AND ADOPTED this ____ day of March 2001, at the regular meeting of the _____ by the following vote:

AYES:

NOES:

ABSENT:

Name
Title